

Mayor and Council
Public Hearing Minutes
Tuesday, October 28, 2003, 7:00 p.m.

Call To Order

Mayor - Explanation of Public Hearing cause.

Rick Stup - Overview of application. The Long Farm and parts of Hope and Enfield Farms involved. (See attached)

All County agencies satisfied with plan.

All notices to area property owners completed.

Staff recommends Phase I Plan approval.

Smith - Suggests, as previously discussed, a Land Use Attorney should be utilized on the City's behalf.

Rick - States an Attorney is not needed in Phase I, but could be used if the Council wishes.

Public Comment -

Kim Cable, 807 4th Ave. - Points out previous intention by developer to pay for expansion at reservoir. Recent accounts states developer saying "maybe". Believes wall extension is due to Brunswick Crossing alone.

Avery Zing Giving-All-Glory-To-God - Asks if totally different idea can be entertained.

Rick Stup - PUD option requires three phases. Other phases become more detail.

Adjourned 7:25 p.m.

Mayor and Council

Meeting Minutes
Tuesday, October 28, 2003, 7:25 p.m.

Call to Order

Pledge

Roll Call

Major Jones, Mr. Harrington, Mr. Smith, Mr. Stull, Mr. Castle, Mr. Bell, and Mrs. Greenfield
All present

Mayor -

Next CAC meeting is November 13, 7:00 p.m.

Citizens' Forum

None

Old Business:

None

New Business:

Fall Clean-Up - Bulk pickup last Spring. This would require citizens to transport trash to Public Works.

Castle - Key Sanitation quoted a price \$95 + tipping fees for roll-off. Proposed date is November 8, 2003. Tires were received at \$2.00 per tire.

Smith - Inquires as to appliances.

Kevin Brawner - State takes appliances but not refrigerators and air conditioner.

Bob Clarke, Key Sanitation - Can supply a roll-off for refrigerator and air conditioners and take to the landfill at no cost in tipping fees, only \$95 for roll-off. Freon does not need to be drained for landfill. These would have to be brought to Public Works. Construction material can be accepted but tipping is more.

Smith - States if construction material is accepted you may get roofing material, etc.

Dave - States excess in collected tipping fees will pay for clean-up.

Smith - Inquires regarding financial reports.

Dave - Expects expenditure report first part of next week with revenues to follow prior to end of

November. Delay is due to software and data conversation with Main Street. Process to not begin until beginning of FY 2004 due to decision.

Motion - Castle - Schedule Sat 11/15, 8-4, not accept building mat, tires accepted @ \$2.00, Key supply 9 roll-offs, Public Works supply 2 workers. Supply additional roll-off for appliances.

2nd - Walt

Amend motion do not accept hazardous mat and yard clippings

Bell - Based on not knowing budget situation?

Vote for approval 5 - 1

Against Bell

Proclamation - Honoring Veterans of Military Service

Discharge of firearms/hunting at Sports Complex - Mayor reads ordinance.

Smith - Believes Mayor and Council should be advised when permission is granted.

Castle - Agenda calls for hunting at Sports Complex.

Chief - Concerns about hunting in the City.

Traditionally, citizens have received permission from the Chief to hunt on the river. Now with Hope and Enfield farms in the City the area is expanded. Does not believe hunting should be allowed within the City, due to population growth and improved gun strength and accuracy.

Mayor - Ordinance is clear. Crossbows are not addressed.

Wayne Haus - Regulations in Frederick County require written permission and no hunting within 1 mile of school.

Harrington - Motion to not allow hunting on City owned property.

2nd - Smith.

Vote 5 - 1 in favor.

Opposed Stull.

Smith - We should craft an Ordinance to state no hunting within the City limits.

Castle & Stull- should vote on this issue another meeting, to allow for public notice and comment on hunting withing City Limits

Rick Stup - Brunswick Crossing Phase I PUD Plan - Public Hearing tonight, staff report supplied, public testimony allowed. Land use attorney can be added to Phase I at developer's expense. Those costs have not been calculated fees. Staff recommends approval.

Smith - Requests land use attorney paid by developer.

Mayor - Inquires as to open space acreage.

Rick - Master plan calls for 90 acres of open space. This plan will have 154.3 acres, exceeding the requirement of master plan. Staff concurs with those numbers.

Castle- Inquires where future connections to city are proposed to be located?

Stup-Old plan locations weren't in correct places or sufficient in number, so locations were revised. Wants to emphasize accessibility of project with existing city, when placing connections. Developers are trying to achieve two accesses from Petersville Road. Allows Planning Committee more flexibility.

Vic Byrant- McCrease, Henricks & Glascock Engineers--Civil Engineers on this project-concur with staff's review of project

Jerry Connelly - Pleasants Developments, representing Brunswick Crossing LLC. Directing to annexation agreement, it states that developer will pay for costs connected to annexation. CDA will address other costs, i.e., land use attorney, staff costs, etc. Permit fees should cover costs, such as consulting fees.

Smith - City needs specialized people for special needs as this develops. If developers have Land Use attorney, so should the City.

Jerry - Developer will hire land use attorney to help interpret City code and requirements.

Stull - May need outside help if changes are proposed by developer.

Jerry - City had raised fees to cover these review costs.

Mayor - Regardless of type of attorney City uses purpose to look at legal sufficiently.

Jerry - Costs apply to annexation costs only in annexation agreement. New fees apply to other review costs.

Bell - The Public Works Agreement negotiations can cover other costs City requests.

Jerry - Hopes that Brunswick Crossing is treated like other developers.

Smith - City should use all tools available to assure that all facets of project are done in best interest of City.

Harrington - Believes Council should adopt a land use attorney to be used for all developments.

Jerry Connelly - Stands behind any written documents supplied by developer regarding reservoir wall expansion. Offered, through the CDA, to cover other costs if any savings were realized. A cap of \$375,000 for the wall extension was used. Other "Public" improvements can be completed with additional savings.

Bell - Asks if all saving from BNR will be used for other projects.

Jerry - Yes. Costs are unknown at this time.

Smith - Inquires concerning water line to reservoir and timing relative to East Potomac St project. Remembers Dave saying water line could be done \$500,000 and Lou stated you could do it for \$300,000.

Jerry - all terms are spelled out in agreements.

Castle - Points out that City will be working on CDBG East Potomac St project during this period and timing could be a factor.

Jerry Connelly - That may not be possible

Motion Stull - to approve Phase I PUD Plan for Brunswick Crossing and be reviewed by City land use attorney to be funded from permit fees.

Rick - Fee schedule covers average costs of attorney.

Krista McGowan, Brunswick Crossing LLC - understands need to obtain land use attorney. Believes any additional separate fees not paid by other developers is improper. If higher costs were anticipated fees should be adjusted.

Smith - A specialized attorney could complete work faster.

Krista McGowan - Anticipate new fee structure covers all City costs.

Rick Stup - Fees were passed by resolution and can be changed. Council can direct staff

Stull - Motion to approve Phase I PUD Plan
2nd - Bell

Vote 4 -2 approved
Against Smith and Bell.

Harrington - Investigate and hire a land use attorney.
2nd Greenfield
Vote 6 - 0

Mayor - Staff should exam fees for land use attorney.

Rick Stup - Dean Moore, Lots 1-5, Block 6 Plat of Mutual Land & Improvement Company of
Baltimore City, BR-SP-01-04-PWA/DOE: request for approval.
Public Works Agreements for SWM & SEC
Public Works Agreement for Roads, Sidewalks, Curbs & Gutter
Deed of Easement for SWM
Guarantee of Improvement–Escrow Account in the amount of \$78,768.64

Mayor - Inquires as to storm water problems in area.

Rick - Drainage is going to “Rain Gardens” which compensates for other drainage.

Mayor - Concerns about compaction.

Rick - “Kick-out” clause will allow for compaction problems.

Harrington - Inquires as to new curb & gutter creates more water coming down the street.

Rick - Rain Gardens will help to prevent enough drainage to cause problem. Storm water
management, studies, and reviews should prevent problem.

Public Works Agreements for SWM & SEC - Motion to approve - Stull
2nd - Bell
Vote 5 - 1 to approve
Opposed Harrington

Public Works Agreement for Roads, Sidewalks, Curbs & Gutter - Motion Stull to approve
2nd Castle Vote to approve 5 - 1
Opposed Harrington

Deed of Easement for SWM - Stull
2nd Bell
Vote 6 - 0

Guarantee of Improvement–Escrow Account in the amount of \$78,768.64 - Moiton Stull to

approve
2nd Smith
Vote 6 - 0 approve

Multi-Year Water and Sewer Tap Agreement

Rick - Allocation not used within 1 year and returned to City.

Staff recommends that taps be allowed over a five year period with guarantees for taps.

Mayor - We want to be clear that persons requesting taps today are placed on list or Que. This request is different because it has been in the process for some time.

Rick - Correct. This is not a new application and has been in the process for some time.

Mayor - In the coming weeks the City will come forward with a process for tap allocation.

Rick - Working with County and tracking taps for flow allocation. First-come basis being used. Last year City had 750 taps based on last flow data we were cut in half.

Bell - Inquires as to current sitting fee and how it applies. There are lots currently being charged sitting fees without water and sewer service.

Multi-Year Water and Sewer Tap Agreement - Motion Stull to approve

2nd - Harrington

Vote 6 - 0 to approve

Mayor - Next meeting will be Holiday

Motion to have next meeting on Monday Nov 10

2nd Stull

Vote 6 - 0

Adjournment

Approved By: _____
Mayor Date

Witnessed By: _____
City Administrator Date